

Executing Duty: Ōno Domain and the Employment of *Hinin* in the Bakumatsu Period¹

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In 1852, the governing officials of Ōno, a small domain of 40,000 *koku* in Echizen province, settled the problem of who would serve as executioners and who would supply auxiliary labor for the execution site. Both jobs ended up being entrusted to a group of local outcastes. Although it was common for outcastes during the Tokugawa period to be mobilized for executions and other penal tasks, the actual severing of the head (in the case of beheadings) was often assigned to low-ranking samurai or *rōnin* employed on a temporary basis.² In Ōno, too, until 1852 executions had been carried out by the jail guard, or *rōban*, a hired commoner who was given samurai status for the duration of his tenure.³ The

recruitment of outcastes for this position was not an inevitable outcome.

This discussion of executioners in Ōno focuses on the following three issues. First, why did the domain decide to change the traditional arrangement and begin to rely on outcaste executioners instead of the jail guard? Second, how did the domain persuade the outcastes to take on such an unpleasant and stigmatizing but, in the eyes of the administration, necessary task? And finally, what does the domain's solution to the problem tell us about the nature of the status order in the Bakumatsu period,⁴ a time when this system is commonly perceived to have been rigid and outdated?

As research of the past two decades has shown, the Tokugawa status order was not a strictly hierarchical construction that neatly divided the population up into stable categories. Early modern Japan was filled with localized groups that competed for privileges and were constantly negotiating their social position both with the government and with each other.⁵ As the case of the Ōno executioners

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² Daniel V. Botsman, *Punishment and Power in the Making of Modern Japan* (Princeton, NJ: Princeton University Press, 2004), pp. 50-58; Tsukada Takashi, "Kinsei no keibatsu," in *Saiban to kihan*, ed. Yamaguchi Keiji (Tokyo: Iwanami Shoten, 1987), pp. 116-128; Itō Takao, "Shikei no shikai-shi: Kinsei-Kindai Nihon to Ōbei," in *Higashi Ajia no shikei*, ed. Tomiya Itaru (Kyoto: Kyōto Daigaku Gakujutsu Shuppankai, 2008), pp. 257-297; Petra Schmidt, *Capital Punishment in Japan* (Leiden & Boston: Brill, 2002), pp. 9-19.

³ The jail guard received a stipend (*kirimai*) of ten bales of rice and rations for two (*nininguchi*) per year, and was placed under the command of the town magis-trate (*machibugyō*). See the town magistrate's precedent manual "Tsutomekata oboegaki Tamura-hikae," *Tamura Kōsaborō-ke monjo* i153 176, 1810, precedents for the fifth and twelfth months; and "Ōno-han bugenchō," 1770s, *Ōno-shi*

rekishi minzoku shiryōkan monjo 2, in *Fukui-ken shi*, Shiryō-hen 7, Chū/kinsei 5 (Fukui: Fukui-ken, 1992), pp. 81-100. For cases of jail guards marrying townswomen see "Machidoshiyori goyōdome," 1852 6/6+8/21, *Saitō Suzuko-ke monjo* i030 063, pp. 97, 120. Copies of the journals (*machidoshiyori goyōdome*) of the town elders of Ōno constitute the main source of this paper and are accessible in the Office for the Compilation of Ōno City History.

⁴ This paper locates the onset of the Bakumatsu era in the early 1840s, i.e. the time of the First Opium War, the Tenpō Reforms of the Shogunate, and the beginning of Ōno's own reform efforts.

⁵ See, for example, David Howell, *Geographies of Identity in Nineteenth-Century Japan* (Berkeley: University of California Press, 2005); Herman Ooms, *Tokugawa Village Practice: Class, Status, Power, Law* (Berkeley: University of California Press, 1996). Recent studies of biographies and networks of intellectuals also call for a less rigid understanding of the status order; Anna Beerens, *Friends, Acquaintances, Pupils and Patrons. Japanese Intellectual Life in the Late Eighteenth Century: A Prosopographical Approach* (Leiden: Leiden University Press, 2006); Bettina Gramlich-Oka and Gregory Smits (eds.), *Economic Thought in Early Modern Japan* (Leiden/Boston: Brill, 2010).

demonstrates, even the social roles of outcastes were defined only loosely and could undergo significant changes over time. Although the authorities were prevented by precedent from assigning new duties to their subjects at will, they could persuade status groups to cooperate by granting them privileges, while the groups themselves sometimes offered to undertake new duties to the government in order to obtain new rights. In this paper, I emphasize the flexibility of the status system, and its reliance on a set of rules that were easily bent but not easily broken.

Before entering into the details of the executioner case, I will provide some further background on two issues that will help situate the incident in its larger context: first, on the reforms in Ōno domain during the final decades of Tokugawa rule, and second, on the general topic of mobilization by status.

Reform in Ōno Domain

The year 1852 falls into what is usually considered as a part or at least the eve of the Bakumatsu era, and we have grown accustomed to seeing these decades as a time when many domains, including Ōno, engaged in reforms that challenged old hierarchies and institutions. In 1842, Ōno's Lord Doi Toshitada formally announced his intention to embark on an ambitious reform program, following up on earlier reform attempts in the 1830s.⁶ The initial goal was the restoration of domain finances, which was achieved through a combination of austerity, promotion of domestic products, and the establishment of a domain-run trading company (Ōnoya, 1855) with branches in places such as Osaka, Hakodate, and Yokohama.⁷ In addition, Toshitada and his vassals placed great emphasis on the introduction of Western technical knowledge. They established a domain academy (1843) and an institute for Western learning (Yōgakukan, 1856), whose scholars had close ties with the Tekijuku academy in Osaka and translated and published a number of foreign books on language acquisition, military technology, and

maritime navigation.⁸ The domain government also promoted medical innovations such as smallpox vaccinations (1850) and a hospital for the domain population (1859).⁹ Moreover, Ōno was one of the first domains in the Hokuriku region to experiment with Western weaponry (1845). It even secured permission from the Shogunate to start a colonial project on the southern end of the island Karafuto (Kita-Ezochi, 1859), and purchased a Western-style schooner (1858) to travel to its colony and ship trade goods to Hakodate.¹⁰

Many of these reforms called traditional social distinctions into question. Samurai became directly involved in the management of a commercial enterprise; low-ranking vassals were promoted to high office; the new domain academy opened its doors to gifted students from non-warrior backgrounds; and children of outcastes received the same smallpox vaccinations as commoner children.¹¹ Still, as far as the important issue of punishment and public order was concerned, the officials of Ōno domain chose solutions that carefully observed the conventions of the status order. On the one hand, this behavior serves as a reminder of the constraints that status imposed on domain reforms. But at the same time it shows that while domain reformers might have ignored the status order in certain respects, they did not hesitate to actively rely on it in others.

Ōno's search for an executioner was related to the context of domain reform. In the nineteenth century, and particularly during the Tenpō famine (1834-38), public safety in the interior of Echizen province had deteriorated considerably. The number of recorded burglaries reached an unprecedented

⁸ See, for example, Iwaji Yūichi, *Ōno-han no yōgaku* (Ōno, 1984).

⁹ Ōno-shi Shi Hensan Inkaï, ed., *Ōno-shi shi*, vol. 9, Yōdome-hen (Ōno: Ōno Shiyakusho, 1995), no. 1125, pp. 808f.; "Shutō shōrei ni tsuki furegaki," "Saisei byōin kaisetsu ni tsuki tasshi," *Yasukawa Yozaemon-ke monjo* 4+5, in *Fukui-ken shi*, Shiryō-hen 7, Chū/kinsei 5 (Fukui: Fukui-ken, 1992), pp. 458-461; Iwaji Yūichi, "Ōno-han shutō denrai no monjo," *Okuetsu shiryō* 13 (1984), pp. 15-22.

¹⁰ *Fukui-ken shi*, Tsūshi-hen 4, Kinsei 2, pp. 825-833, 841-860.

¹¹ On outcaste vaccinations, see *Ōno-shi shi*, Yōdome-hen, no. 1204, p. 862.

⁶ *Fukui-ken shi*, Tsūshi-hen 4, Kinsei 2 (Fukui-ken, 1996), pp. 635f., 718-726, 813-860.

⁷ Sakata Tamako, "Hanten 'Ōnoya' no kenkyū," *Okuetsu shiryō* 6 (1977), pp. 1-105.

level, and there were a fair number of professional gamblers and thieves permanently entrenched in the area.¹² If the government wanted to enrich its territory and avoid attracting criminals from domains with stricter law enforcement, it could not afford to let the matter rest. Moreover, like most reforms, Ōno's domain reforms produced their share of discontents, and the death penalty could only serve its purpose of intimidation as long as it remained a credible threat. Thanks to its success in hiring executioners, the domain was able, in a decree of 1860, to use death as a deterrent against subjects who were "so lawless that they disturbed the politics of the government (*on-seijisuji*)."¹³

Mobilization by Status: The Wider Context

In the nineteenth century, first-time employments of outcastes as executioners may have been rare, but there was a broader trend of mobilizing outcastes for new duties more generally. From around the middle of the eighteenth century, beggar (*hinin*) associations began to take on new roles particularly in the field of criminal investigation and town patrols. In Osaka, for example, the authorities started to employ the local *hinin* guilds for a variety of patrolling and policing tasks. In Kyoto, too, the shogunal government intensified its reliance on *hinin* policemen during roughly the same period.¹⁴

The beggar guild of Ōno did not remain unaf-

fected by this development. In the 1740s the beggars of Ōno already contributed to public security as patrols and guards, but their responsibility was still for the most part limited to keeping the castle town and surroundings free of suspicious mendicants. In the decades that followed, however, they began to be employed for criminal investigations (*tazunemono*) on a broader scale to cope with a gradual rise in vagrancy and crime. By the 1830s, finally, they had turned into a busy police force that investigated under the direction of the domain's criminal bureau (*tōzokukata*) and hunted criminals in collaboration with colleagues of other domains in Echizen province.¹⁵

Although new duties such as these increased the *hinin*'s labor burden, they also came with certain benefits. The outcastes tended to prefer police work over their other duties because it allowed them to exercise authority in the government's name, and because it was also practiced by more respected groups such as commoners and low-ranking samurai. Moreover, when administrations imposed new tasks on the *hinin* they typically rewarded them with privileges for their cooperation. Such privileges often worked towards raising the outcastes' social prestige, and could be combined with material benefits. In Ōno, for example, in 1789, the *hinin* were granted the right to wear short swords when going on searches with outcaste colleagues from other domains,¹⁶ and also received a small rice stipend for running a new type of undercover town patrol.¹⁷

The tendency to mobilize outcastes for new

¹² Although officials had complained about rising criminality in the eighteenth century as well, the town elders' journals from the mid-eighteenth to the mid-nineteenth century indicate that the number of burglaries rose sharply in the 1830s and remained relatively high even after the Tenpō famine. Many of the thieves arrested and interrogated were unregistered *mushuku* born in the region who stole on a habitual basis. See also *Ōno-shi shi*, Yōdome-hen, no. 999, pp. 732-734.

¹³ *Ōno-shi shi*, Yōdome-hen, no. 1152, p. 823f.

¹⁴ Asao Naohiro, "Hiden'in to Ōmi no hininban," in *Nihon kokka no shiteki tokushitsu*. Kinsei/Kindai, ed. Asao Naohiro Kyōju Taikan Kinenkai (Kyoto: Shibunkaku Shuppan, 1995), pp. 3-36; Tsukada Takashi, *Toshi Osaka to hinin* (Tokyo: Yamakawa Shuppansha, 2001), pp. 34-65, 119-125. Edo's beggars, by contrast, were never used as a city-wide police force.

¹⁵ A comparison between the town elders' journals of the 1740s and those of the 1830s graphically illustrates the guild's transformation from a simple beggar patrol into an experienced police force. See, for example, MT goyōdome 1740, 1741. *Saitō Suzuko-ke monjo* i030 026, i030 027; 1834, 1836, 1837, 1838, 1840, 1841. Ibid. i030 051, i030 052, i030 053, i030 054, i030 056, i030 057. On the policing functions of outcastes see also Ooms, pp. 257-261; Christian M. Hermansen, "The Hinin Associations in Osaka, 1600-1868," *The Copenhagen Journal of Asian Studies* 15 (2001), pp. 47-80; Timothy Amos, "Portrait of a Tokugawa Outcaste Community," *East Asian History* 32/33 (2006/7), pp. 93-97.

¹⁶ *Ōno-shi shi*, Yōdome-hen, no. 377, pp. 276f.

¹⁷ Ibid., no. 376, p. 276.

tasks of public administration seamlessly continued into the era of Bakumatsu reforms. It even intensified as many domain governments were looking for ways to strengthen their territories both militarily and economically. In order to succeed in their reform projects, rulers needed to secure the active cooperation of at least a part of their subject population. One way of doing so was to appeal to the subjects' sense of duty towards their lord, but there was an even more effective strategy: giving people a direct stake in particular reform measures through the conferral of rights, responsibilities, and titles.

For example, the initiative of local artisans and merchants was essential to the success of Ōno domain's mercantilist program (*kokueki shihō*), which involved import controls and the promotion and improvement of domestic production. Like other nearby domains in the nineteenth century, Ōno granted protection and monopoly rights to individuals and guilds who launched new enterprises to profit from the reforms and to contribute to them in return.¹⁸ At its colony on Karafuto, Ōno's domain government entrusted the entire operation of the fishery and control of the local Ainu population to an experienced guard from an Ezo fishery, granting him a share of the profits and the right to wear a surname.¹⁹ Ōno domain also gave stipends and privileges to local blacksmiths who had mastered

the art of gun-making.²⁰ It bestowed rewards, such as the right to wear swords, on town merchants for their efforts in funding a new vaccination clinic (*shutōkan*), and on local doctors for their help with the domain-wide vaccination program.²¹ While such privileging in itself was hardly new, it shows that Ōno's domain government actively resorted to this time-tested method to engage particular individuals and groups of subjects in some of its most innovative reform ventures.

Ōno's employment of outcastes as executioners can thus be seen both as part of a longer trend to rely on outcastes for public security, and as a product of the specific circumstances of the Bakumatsu era which made it more imperative than ever for domains to effectively utilize their human resources. The most ambitious, albeit unrealized, attempt to mobilize outcastes for the purpose of territorial strengthening was a group of proposals in the late eighteenth and nineteenth century to send outcastes as settlers to the island of Ezo in order to preempt Russian colonial ambitions. The Shogunate seriously considered the implementation of some of these projects, which usually involved the elevation of the new settlers to commoner status. After the Meiji Restoration, the idea of using outcastes for colonial ends had an interesting afterlife. Although the residents of former outcaste communities could no longer be mobilized through the unit of the status group, the authors of such plans saw emigration as an ideal way to reconcile economic aid and freedom from discrimination for outcastes with the need to give these "deviant" and "uncivilized" citizens a role in the Japanese national project (and rid local communities of their presence).²²

By offering status privileges and material benefits to outcastes, Tokugawa governments skillfully

¹⁸ *Ōno-shi shi*, Yōdome-hen, no. 649, 651, 652, 654-659, pp. 462-481; *Fukui-ken shi*, Tsūshi-hen 4, Kinsei 2 (Fukui-ken, 1996), pp. 813-817.

For example in neighboring Katsuyama; *Katsuyama-shi shi*, vol. 2, Genshi-Kinsei (Katsuyama: Katsuyama-shi, 2006), pp. 731-738. In nearby Fukui, the domain's promotion of local industries after the late 1850s led to a flurry of activity by guilds of overland textile traders, who cooperated with the domain's new bureau of trade and production and had their trade monopoly protected in return; see Fukui-shi, ed., *Fukui-shi shi*, Tsūshi-hen 2, Kinsei (Fukui: Fukui-shi, 2008), pp. 904-941. For a discussion of this trend in the Kantō region in the Bakumatsu and early Meiji period see Matsuzawa Yūsaku, *Meiji chihō jichitaisei no kigen*, (Tokyo Daigaku Shuppankai, 2009), pp. 209-233.

¹⁹ Azuma Shunsuke, "Bakumatsu-ki Kita Ezochi ni okeru Ōno-han no Ushoro basho keiei," *Hokkaidō kaitaku kinenkan kenkyū kiyō* 35 (2007), pp. 78f.

²⁰ In 1856, four blacksmiths, as well as a carpenter who had learned how to construct gun batteries, received stipends, and in one case also the right to wear swords; *Ōno-shi shi*, Yōdome-hen, no. 1092, p. 792.

²¹ According to entries in the town elders' journals of 1860 and 1861; *Ōno-shi shi*, Yōdome-hen, no. 1146, pp. 820f., no. 1173, pp. 839f.; no. 1243, p. 879.

²² Noah McCormack, "Buraku Emigration in the Meiji Era – Other Ways to Become 'Japanese'," *East Asian History* 23 (2002), pp. 87-108.

exploited these groups' deep-rooted desire to escape their reviled status. In the late eighteenth and nineteenth century the discriminatory treatment of outcastes, as well as their resistance against it, appeared to reach a new level of intensity.²³ In 1843 and 1856, for example, Japan witnessed major incidents of outcaste unrest,²⁴ and tracts such as Senjū Fujitsu's *Eta o osamuru gi* (before 1864) expressed an anxiety among government elites that outcastes might eventually rise up in discontent if treated as inferior and forced to undertake lowly lines of work.²⁵ But alongside such violent outbursts, many outcaste groups also engaged in a less spectacular and largely peaceful struggle to obtain new privileges or to protest against the imposition of new discriminatory restrictions.²⁶

The developments described above constitute the wider context for the events taken up in this paper. While outcastes strove to better their position, governments looked for ways to mobilize their subjects for their policy goals. The hiring of executioners in Ōno, however, presents an especially intriguing case because it confronted the outcastes with a dilemma. Executions differed from police work in that they involved the taking of life, and thus threatened to reinforce the very stigmatization that the outcastes were hoping to overcome. Hence, the outcastes' drive to improve their social standing and the domain's desire to mobilize their labor were not easily reconciled.

Ōno's case is also interesting because it reminds us that outcastes were not a monolithic category and did not jointly seek to escape from a uniform state of discrimination. As the following discussion will show, there were various groups of outcastes in and around the domain who suffered from different de-

grees of stigma, and who understood their own position relative to that of other groups in their immediate or extended neighborhood. In their negotiations with outcastes, Ōno's domain officials needed to be mindful of these relative distinctions, and of the stigmatizing effects of different kinds of duty work, which were often beyond the government's control.

The Search for Reliable Executioners

Let us now turn to the settlement of 1852 to discuss the circumstances of the employment of outcastes as both executioners and as execution assistants. The domain government was eager to eradicate crime, but felt that this could not be achieved without finding a reliable person to carry out the death penalty. As it turned out, the man who served as Ōno's jail guard in the 1830s was completely unsuited to the task. In 1838 the town elder, the highest-ranking official among the townspeople, noted the following exchange:²⁷

Fifth month, ninth day:

A town corps messenger arrived from Yokota-sama [the town magistrate, or *machi bugyō*], and when I reported right away the magistrate told me: "We need to talk about the jail guard. He abhors doing executions, and feigns illness, helps convicts commit suicide, and more. I am therefore considering replacing him, but because there is no one else to do it, I had no choice but to set the matter aside. Now I want you to ask whether there is someone among the Koshirō who would do it if we gave him a certain amount in reward for each person executed." I replied that I believed that the Koshirō, too, were cowards altogether and would not do this, but that I would pass the magistrate's suggestion on to them.

[...]

Fifth month, eleventh day:

I reported to the town magistrate that when I asked the Koshirō about the issue of the death convicts, they replied that no matter how much the authorities bestowed on them, all of them would, regrettably, be unable to serve in this capacity.

²³ See, for example, Amos, pp. 97-108.

²⁴ Ooms, pp. 243-311;

²⁵ Guido Woldering, "*Eta wo osamuru no gi* oder 'Erörterung der Herrschaft über die Schmutzigen.' Gedanken eines Schwertadligen der späten Edo-Zeit zum 'Abschaum' seiner Gesellschaft," *NOAG* 171-172 (2002), pp. 21-37. See also Tejima Kazuo, "Kiheitai ni okeru 'eta' gunji tōyō no igi – Takasugi Shinsaku no kyōheiron," *Buraku mondai kenkyū* 111 (1991/5), pp. 72-74.

²⁶ Such petitions often employed quite sophisticated reasoning; see Ooms, pp. 264-270; *Ōno-shi shi*, Yōdome-hen, no. 599, pp. 422f.

²⁷ *Ōno-shi shi*, Yōdome-hen, no. 773, p. 553.

Was the jail guard's reluctance to conduct executions indicative of a larger trend critical of the death penalty? Throughout the Tokugawa period, society had certainly exhibited strong reservations toward capital punishment, or at least its excessive application, which ran counter to the government's promise of benevolent rule.²⁸ But at least until the 1830s, the domain officials of Ōno seem to have had no major problems finding commoners who were willing to fill the position of jail guard.

In 1838, as the above source shows, the town magistrate approached a group called the Koshirō with a proposal to hire one of its members for the newly created job of executioner.²⁹ The Koshirō were a guild of professional beggars considered to be of *hinin* status. Until this point, the Koshirō community had been serving the domain in various public functions, for example as guards and policemen, managers of the local beggar hospice, torturers, and subordinate jail guards. As outcastes with experience in handling criminals, they seemed a convenient choice. But when the domain made its offer, the beggars refused categorically. The Koshirō had always been wary of duties that involved the taking of life because they wanted to avoid being confused with the *kawaya*, outcastes who engaged in the manufacture of leather. Twice, for example, they had (unsuccessfully) tried to resist domain orders to help kill stray dogs during rabies epidemics by arguing that the *kawaya* were the more appropriate group for this kind of undertaking.³⁰

²⁸ Botsman, pp. 41-58, 89-97. In 1792, a town doctor of Ōno successfully pleaded to have the life of a burglar who had broken into his house spared, arguing that to see the man executed would contradict his professional mission of saving human life; *Ōno-shi shi*, Yōdome-hen, no. 412, p. 291.

²⁹ *Ōno-shi shi*, Yōdome-hen, no. 773, p. 553.

³⁰ In 1776 and 1815. In the 1815 case, the Koshirō openly voiced their concerns about the stigma they expected to face if mistaken for *kawaya* (here derogatorily referred to as *eta*), and remained unpersuaded by the town elders' counter-argument that the *kawaya* only skinned animals and did not kill them. However, they were forced to comply after the domain officials located old records that proved that the Koshirō had been asked to kill dogs in the past. See *Ōno-shi shi*, Yōdome-hen, no. 97, pp. 85f; no. 599, pp. 422f.

There was a small community of *kawaya* in the domain, and one would indeed expect them to have qualified as candidates for the executioner assignment. After all, in most places outcastes who participated in executions were drawn not from people of *hinin* but of *kawaya* background. But it is unclear whether the domain officials considered asking them or not. They did, however, send a messenger to the nearby castle town of Fukui to advertise the job among the local outcaste-executioners, apparently to no avail.³¹

In 1852, more than a decade later, the Koshirō finally gave up their resistance and agreed to carry out death sentences, which normally involved decapitation (*kubikiri goyō*) as practiced in Ōno.³² They did so after lengthy negotiations with Yoshikawa Magodayū, an officer of the domain's criminal bureau (*tōzokukata*). As the town magistrate explained to the town elders:

"Actually, this is the only place that makes the jail guard do decapitations. For this reason it happens that major criminals who ought to be executed escape from who knows where, as we just experienced the other day. The Koshirō do not like [to do beheadings] either, but step by step we conducted confidential negotiations with them through Yoshikawa Magodayū of the criminal bureau (*tōzokukata*), and barely persuaded them to agree by granting them the three paragraphs."

Obviously, the Koshirō needed to be compensated for their cooperation. Part of that compensation came in material form (six bales of rice per year), but what the Koshirō were far more interested

³¹ "Machidoshiyori goyōdome," 1838 5/15, 6/6, *Saitō Suzuko-ke monjo* i030 054, pp. 115, 135. The group contacted in Fukui were the so-called *Seiganji-mono*, a community of actors and teahouse operators who were in charge of commoner beheadings; see "Kujikata osadamegaki," 1778, *Matsudaira bunko* 640, in *Fukui-shi shi*, Shiryō-hen 6, Kinsei 4-1 (Fukui-shi, 1997), pp. 711-753; "Seiganji to gekijō no yurai," *Fukui shinbun* (May 17, 1913) (repr. in Mori Tsunenori, *Fukui-han shiwa*, vol. 1, Rekishi toshosha, 1975, pp. 42f.).

³² *Ōno-shi shi*, Yōdome-hen, no. 999, pp. 732-734.

in were the so-called “three paragraphs”: a) the appointment of the three executioners as informers (*meakashī*, see below), b) permission to carry a short sword while on duty as informer within Ōno domain, c) permission to enter the premises of commoner houses up until the threshold while on duty as informer. The Koshirō themselves confirmed that the informer appointment had been the only reason for their compliance, and they successfully protested against a draft of the acceptance letter that called their nomination “temporary” (*tō-bun*).³³

In many places in early modern Japan, particularly in the east, *meakashī* was used as a term for gangsters who cooperated in the arrest of criminals. In the eyes of the Koshirō, the *meakashī* designation was a status marker. For many decades, they had been engaging in the same kind of police work as the informers of eastern Japan, and because the latter enjoyed commoner status, the new title carried the promise of upgrading the Koshirō’s position and helping them offset the stigma attached to the executioner job.³⁴ In 1782, Ōno’s neighbor domain Katsuyama had also hired its local *hinin* bosses as executioners by appointing them as informers.³⁵ Most likely the officials and the *hinin* of Ōno were imitating this example, a convergence that was typical for regions with many small interlocking domains.³⁶

The town officials (the town elders and neighborhood headmen) were notified of the new appointments only after the negotiations were over,

but they reacted to them with fierce opposition.³⁷ Their main concern was that the Koshirō would infringe on their own privileges, for example by wearing short swords when lower-ranking townspeople were not allowed to do so. But the town officials were also able to bolster their case with a more practical argument: they pointed out that openly turning the Koshirō into informers could in fact be counterproductive to the goal of improving public security. After all, *meakashī* were effective as informants precisely because of their connections to the world of outlaws, and the town elders were aware of a number of recent cases in which the Koshirō had given shelter to dangerous gangsters.

While the domain officials did not deny this problem, they seem to have believed that the benefits of having reliable executioners outweighed the dangers of having unreliable policemen, especially since the Koshirō had been active as de facto informers for quite a long time. The town magistrate carefully listened to the town elders’ concerns but overrode them in the end. A few months later, the three men who had volunteered – Jin’emon, Jinbei, and San’emon – were given their first assignment: beheading three notorious thieves who had been caught over the preceding year.³⁸

Perhaps the townspeople’s case would have been more persuasive if they had been able to suggest an alternative candidate for the position of executioner. The domain officials, too, could have easily solved the dilemma by appointing a member of their own retainer band, but for reasons that remain obscure, they must have found it inappropriate to do so. The retainer band of the Doi house of Ōno is known to have been unusually small in relation to domain size.³⁹ As executions were not a time-consuming task, the domain leadership should technically have been able to nominate a candidate, especially as samurai were often put in charge of beheadings elsewhere. But it is possible that the lord was reluctant to risk the reputation of one of his retainers by making him engage in a potentially

³³“Machidoshiyori goyōdome,” 1852 6/1. *Saitō Suzuko-ke monjo* i030 063, p. 90.

³⁴ Tsukada, “Kinsei no keibatsu,” pp. 105-116.

³⁵ *Matsumura monjo* 9, 1782; *Matsui monjo* 677-13, 1782. Copies of these documents can be accessed in the Office for the Compilation of Katsuyama City History (Katsuyama-shi Shi Hensanshitsu).

³⁶ See, for example, the case of small domains in rural Harima in the late Tokugawa period: Kusakayama Iwao, “Sonraku keisatsu-ri hininban ni tsuite (1) (2) – Ōsaka shikasho to Setsu/Ban ryōgoku murakata no kinchō kankei o jiku to shite –,” *Chiikishi kenkyū* 19/3 (1990), pp. 1-33; 20/1 (1990), pp. 1-25.

³⁷ *Ōno-shi shi*, Yōdome-hen, no. 999, pp. 732-734.

³⁸ “Machidoshiyori goyōdome,” 1852 12/18. *Saitō Suzuko-ke monjo* i030 063, p. 167.

³⁹ Funazawa Shigeki, “Ōno-han kashindan no shokusei to kyūroku,” *Fukui-ken shi kenkyū* 9 (1991), pp. 53-74.

stigmatizing activity. Many of the hereditary vassals had to be promoted to various positions over the course of their careers to maintain a workable administration. It is also worth noting that none among Ōno's immediate neighbor domains employed hereditary samurai for decapitations.

Why was the executioner assignment limited to three of the beggar bosses and not extended to the entire group, which numbered at least five members at the time? Conversely, one might wonder why the job was not given to a single outcaste individual. This question is important because it forces us to think about whether the executioner employment was really an issue that affected the Koshirō as a group. Unfortunately, the town elders' journals, the only sources containing information on the case, are silent on this point. There is also very little evidence on the internal order of the Koshirō guild in general. It is clear, though, that the group did not have a single leader, but consisted of a small and fluctuating number (four to eight) of full members who were allowed to form hereditary households. This does not necessarily mean that there were no hierarchical distinctions, but none of these members ever took the lead in dealing with the town elders, not even on a rotating basis.

There is, however, room for some speculation. Perhaps some of the household heads were unsuitable because of physical weakness or age. Or the authorities may have wanted to appoint a specific individual to avoid ambiguity, whereas the Koshirō preferred a higher number of appointees in order to spread the burden, extract higher compensations, or give more members the chance to take the title of *meakashi*.⁴⁰ In their negotiations with the domain officials over the executioner question, the Koshirō

always acted as a guild and bargained collectively. But it is still noteworthy that the authorities conferred this duty on particular members, and not on the entire group as was the case with most of the beggar bosses' other official obligations.

Kanazuka Village and the Duty of Penal Assistance

Thanks to the Koshirō's cooperation, the domain was now able to crack down on criminals with a heavier hand. But before any executions could actually be carried out, another problem needed to be resolved: the question of who would serve as penal assistant (*gōmon ninsoku*). Penal assistants were responsible for removing the bodies of executed criminals.⁴¹ Traditionally, these auxiliaries, of whom there were four, had been supplied by a group of cormorant fishermen and bird catchers from the village of Kanazuka. In the late sixteenth century the Kanazuka villagers had been privileged as a hunting community by the early lords of Ōno.⁴² In addition to the duty of supplying execution assistants, they paid a bird tax and a fish tax and also delivered catches of sweetfish (*ayu*) to the domain, which were then offered as gifts to the Shogunate.⁴³

The Kanazuka villagers intermarried with commoners, meaning that they did not face the same degree of discrimination as the beggars. In fact, there is no evidence aside from vague rumors that they were somehow excluded from the society of commoners. But there were other settlements of cormorant fishermen in Tokugawa Japan that were subject to customary forms of discrimination, and the Kanazuka people, too, may have faced a latent

⁴⁰ The matter is further complicated by the fact that a journal entry from the following year (1853) mentions a set of names for the executioners appointed in 1852 that differs from that of the initial appointment letter: Jinzaemon, Jinbei, and Chōemon; see "Machidoshiyori goyōdome," 1853, 5/21, *Adachi Hiromichi-ke monjo* i139 004, p. 12. While the switch from "Jin'emon" to "Jinzaemon" could be an orthographic mistake or a result of the town elder's eccentric handwriting, it is less easy to explain the substitution of "Chōemon" for "San'emon." All four also appear as names of established Koshirō households in other sources.

⁴¹ "Machidoshiyori goyōdome," 1841 5/21, *Saitō Suzuko-ke monjo* i030 057, p. 103f.; 1852 6/4, *ibid.* i030 063, p. 9.

⁴² *Tenmangū monjo*, in Ōno-shi Shi Hensan Inkai, ed., *Ōno-shi shi*, vol. 1, Shaji monjo-hen (Ōno: Ōno Shiyakusho, 1978), no. 37/1-37/8, pp. 493-495; *Ōno-shi shi*, vol. 13, Minzoku-hen (Ōno: Ōno Shiyakusho, 2008), pp. 203f.

⁴³ "Tsutomekata oboegaki Tamura-hikae," precedents on seasonal gifts (*toki no kenjō*); and *Ōno-shi shi*, Yōdome-hen, no. 913, p. 676.

danger of falling into disrepute.⁴⁴ During the medieval period cormorant fishermen, and many other types of fishermen and hunters, had been part of a wider circle of base people whose livelihood breached Buddhist commandments against the taking of life.⁴⁵ The belief that hunting and fishing were sinful pursuits gave rise to discrimination in everyday life that persisted into the Tokugawa era, albeit in weakened form. Reminders of this medieval legacy can be seen, for example, in the hunting and fishing bans that were imposed on villages such as Kanazuka when a member of the imperial or shogunal family passed away and the country was in a state of mourning.⁴⁶

At some point before 1841, the Koshirō had started to fill in for Kanazuka as execution assistants in return for a yearly fee. This was a temporary agreement, and the fishermen needed to renew it from time to time. Most likely they had entered into this compact to rid themselves of a stigmatized duty. But in 1841, around the end of the Tenpō famine, the villagers of Kanazuka made a petition to the domain government stating that they were too impoverished to pay the fee to the beggars any longer

and asking the domain to exempt them from the duty altogether.⁴⁷ The authorities declined the request, but promised to temporarily pay the money in the villagers' stead if the fishermen agreed to supply *ayu* fish to the lord free of charge. In other words, the domain began to pay money to the Koshirō to release the Kanazuka people from a duty that the domain itself had been imposing on them in the first place.

In 1852, the contract between Kanazuka and the Koshirō came to the domain's attention once again.⁴⁸ As the town elders' journal tells us, this was because the agreement had expired and needed to be renegotiated, but obviously it was also because in that year the Koshirō had finally accepted the job of executioner, making it necessary to settle the assistant question as well. Although the Koshirō were not eager to continue substituting for Kanazuka, they again tried to sell their cooperation for the highest possible price.

Yet Kanazuka was a poor village and unable to make an offer that was sufficiently attractive to the Koshirō. Fearful they would have to serve as execution assistants again, the Kanazuka villagers turned to the domain government for help. The officials promised to cooperate and make an offer to the Koshirō in their stead. Why is unclear, but there must have been a very good reason for the domain to help Kanazuka; perhaps the domain wanted to prevent the village from further impoverishing itself, or there may have been concerns about having people who supplied fish for the Shogunate engaging in a polluting activity.⁴⁹

The Koshirō were now in a position to negotiate directly with the domain government, and they used this opportunity to request a privilege they had been craving for a long time: an extension of their beg-

⁴⁴ Okiura Kazuteru, *Nihon minshū bunka no genkyō. Hisabetsu buraku no minzoku to geinō* (Osaka: Kaihō Shuppansha, 1984), pp. 239-308.

⁴⁵ Taira Masayuki, "Sesshō kindan to sesshō zaigōkan," in *Shūen bunka to mibunsei*, ed. Wakita Haruko, Martin Collcutt, Taira Masayuki (Kyōto: Shibunkaku Shuppan, 2005), pp. 240-268.

⁴⁶ For example "Machidoshiyori goyōdome," 1741 3/8, *Saitō Suzuko-ke monjo* i030 027, p. 20; 1841 2/7, *Ibid.* i030 057, p. 35. To be sure, orders such as these do not prove that the cormorant fishermen and hunters themselves were considered as impure and were discriminated against in everyday life; other, more respected professions were also subjected to restrictions on such occasions. As Taira has pointed out, the rationales for hunting and fishing bans at times of mourning changed over time, and were also informed by notions other than fear of pollution (e.g. the ideal of filial piety). On the subject of mourning regulations and the idea of pollution in the early modern period see Taira, pp. 246-248, and Minegishi Kentarō, "Kegare kannen to buraku sabetsu, ge (part 2) – sono fukabunsei to kegare kannen no ichi," *Buraku mondai kenkyū* 162 (2002), pp. 97-119.

⁴⁷ "Machidoshiyori goyōdome," 1841 5/21, *Saitō Suzuko-ke monjo* i030 057, pp. 103f.

⁴⁸ *Ibid.*, 1852 intercal. 2/16+21+26, 4/21, 6/1+4+21, *Saitō Suzuko-ke monjo* i030 063, pp. 34f., 40f., 47, 72, 87, 91f., 101f.

⁴⁹ One of the documents produced by domain officials on this case circumscribes the job of penal assistants as "handling polluted people" (*kegare no mono toriatsukai*), but it remains unclear whether concern with pollution was a decisive factor here; "Machidoshiyori goyōdome," 1841 5/21, *Saitō Suzuko-ke monjo* i030 057, pp. 103f.

ging territory. There were a number of remote villages in the domain that did not give alms to the Koshirō but had customary relations with other outcastes. The Koshirō had been trying to bring these villages and their outcaste village guards under their influence, and they perceived the 1852 negotiations as a chance to persuade the government to back up their demands.⁵⁰ The domain officials, eager as they were to finally conduct executions, complied with this request.

Promising the Koshirō access to the outlying villages was one thing; but in reality, the domain did not have the authority to make good on this promise. Although the villages in question all belonged to Ōno's territory and the domain leadership was strong, the officials were unwilling, and ultimately unable, to force these communities to give up their traditional relationships with other outcastes.⁵¹ Nevertheless, there was a way of working around the problem: the domain offered to pay the Koshirō the sum of 2.04 *koku* (97.2 gallons, or 368 liters) of rice every year, which corresponded to the amount of alms the guild would theoretically have collected from these villages had they been allowed access to them. From 1852 onwards, the domain continued to

pay these substitute alms to the Koshirō every year for their willingness to fill in as execution assistants for Kanazuka.⁵² And the Koshirō made sure that the agreement remained temporary: that is, it would be up for renegotiation every ten years.⁵³ Most likely, they were hoping to retract or sell their cooperation at an even higher price on future occasions.

Despite all of these incentives, the Koshirō seem to have been uncomfortable with their new role. Less than a year after the nominations, in 1853, they requested that the domain cancel the arrangement and allow their three members to resign from the position of executioner-informer.⁵⁴ But it was already too late: once the Koshirō had accepted the deal, the tables had turned, and the domain was not inclined to let them get away again easily. The guild thus continued to supply both executioners and assistants until an unknown point in the early Meiji period.⁵⁵ It is impossible to know how many persons the Koshirō ended up executing between

⁵⁰ "Doi Noto no kami yōdome-chō," *Kitano Sōbei-ke monjo* no. 41, in *Ota-chō shi*, Shiryō-hen 2 (Ota-chō, 1996), p. 356; "Bannin sashidashi-jō," *ibid.* no. 2, p. 273; "Machidoshiyori goyōdome," 1837 8/25, *Saitō Suzuko-ke monjo* i030 057, p. 208. According to these sources, the villages in Nishikata (Niu district) were the territory of San'emon, the guard of Ota village (Ōno domain). Although the Koshirō succeeded in bringing San'emon under their control in or before 1817, the watchman seems to have committed himself to little more than a yearly payment of eight *monme* of silver, and made an attempt in the 1830s to withdraw from their influence once again. So far, I have not been able to locate information on the affiliation of village guards in the valleys of Anama and Nishitani (the second region that was not included in the Koshirō's begging territory).

⁵¹ The town magistrate argued that the domain could not intervene because the villages in question were already employing other outcastes as guards (*banta*); see "Machidoshiyori goyōdome," 1852 intercal. 2/16, *Saitō Suzuko-ke monjo* i030 063, pp. 34f.

⁵² "Machidoshiyori goyōdome," 1855 12/16, *Saitō Suzuko-ke monjo* i030 064, p. 89; 1856 12/16, *Adachi Hiromichi-ke monjo* i139 005, p. 147; 1860 7/11, *Saitō Suzuko-ke monjo* i030 065, p. 90; 1865 1/11, *ibid.* i030 068, p. 4. Both substitute alms and executioner allowances were due at the end of the year, but in 1853 the Koshirō began to receive half of them as advance loans around the time of *obon* in the seventh month; see "Machidoshiyori goyōdome," 1853 7/13, *Adachi Hiromichi-ke monjo* i139 004, p. 33.

⁵³ The Koshirō also insisted on having the Kanazuka villagers confirm the deal by exchanging a written guarantee with them, a condition the fishermen were reluctant to accept and only fulfilled after being pressured to do so by the town elders; see, for example, "Machidoshiyori goyōdome," 1852, 6/4, *Saitō Suzuko-ke monjo* i030 063, p. 91.

⁵⁴ "Machidoshiyori goyōdome," 1853 5/21, *Adachi Hiromichi-ke monjo* i139 004, p. 12. The entry does not give the reason for their petition.

⁵⁵ In 1871, the former territory of Ōno domain became part of Fukui, and later Asuwa, Tsuruga, and Ishikawa prefectures. From 1871 onwards executions were conducted in Fukui, for example in the aftermath of a large uprising in Ōno and its surroundings in 1873. See Sakata Tamako, *Echizen Ōno ikki* (Fukui-ken Ōno-shi Kyōiku Iinkai, 1972), pp. 91, 149.

1852 and the early years of Meiji, but a reasonable guess might put the number at an average of one or two convicts per year.

Conclusion

When the Tokugawa period ended, outcastes were serving as executioners in Ōno, but there was nothing self-evident or traditional about this arrangement. For most of the early modern period, the Koshirō guild did not have anything at all to do with capital punishment, and it was only during the reform years of the Bakumatsu era that the domain decided to hire members of the local beggar organization for these purposes. The goal was to reestablish the death penalty as an effective punishment, to eliminate crime, and to make the domain strong, prosperous, and ready for a new and modern age.

But in their search for executioners, the domain officials confronted two groups of people who had very different ideas of their roles in Ōno's future society. The Kanazuka villagers were trying to distance themselves from the outcastes, and the Koshirō were striving to reinvent themselves as a kind of domain police. If the domain wanted these people, or any of its other subjects, to cooperate with its reforms, it needed to take their concerns with status (compounded in this case by the problem of impurity) seriously. Even a strong and innovative government such as Ōno's did not have the power to completely override the carefully balanced system of precedent and privilege that was so characteristic of the status order, and that gave its subjects a voice and leverage vis-à-vis the government. The result was a string of highly convoluted and makeshift agreements.

Seen from this angle, rule by status seems to have been a serious obstacle to the domain's achievement of meaningful reform. But one should not overlook that in the end, the domain did succeed in motivating people to accept a job that, at this time and place, appears to have been extremely stigmatized. Money alone could not have achieved this: it seems rather unlikely, given social aversion to the position, that the domain would have found a candidate simply by relying on the local labor market. In the absence of, for example, a national ideology or the promise of political representation to mobilize its subjects for its goals, it seems natural that the domain should have relied on the time-tested

mechanism of imposing duties in return for privileges. From temporary agreements and the conferral of titles to alms substitutions and free sweetfish offerings, the system offered the government a considerable degree of leeway to pursue its own goals while satisfying the various, and often conflicting, interests of the status groups within its borders. For Ōno domain, the most productive way to conduct reform was not to work against the status order, but to work with it, by applying its rules in a creative way. The executioner case thus underlines what Daniel Botsman has pointed out in his discussion of the prison in nineteenth-century Japan: that seemingly modern developments in the late Tokugawa period cannot be understood without considering them in the context of the status order.⁵⁶

How did Ōno's case relate to the way the Shogunate in Edo dealt with status in the final decades of the Tokugawa period? On the one hand, the Shogunate made a famous attempt during the Tenpō Reforms (1841-43) to remedy some of the complexities and inefficiencies of the status system by improving registration procedures for residents of the shogunal capital, and by resettling parts of Edo's population to reestablish unity between status and place of residence. On the other hand, these reforms did not keep the Shogunate from mobilizing and controlling social groups through the conferral of status privileges, thus continuing the very practice that had been responsible for complicating the system in the first place. The culmination of this development can be seen in 1868, when the failing Tokugawa house elevated Danzaemon, the outcaste boss of Edo, to commoner status in exchange for his military cooperation.

This contradictory approach to status in the Bakumatsu period was possible because, as Yokoyama Yuriko has argued, the Shogunate had begun to make a distinction between status as a system of registering and classifying the resident population, and status as a mode to mobilize and govern occupational groups.⁵⁷ Although these two aspects of

⁵⁶ Botsman, pp. 85-114.

⁵⁷ Yokoyama Yuriko, "Meiji ishin to kinsei mibunsei no kaitai," in *Nihonshi kōza 7. Kinsei no kaitai*, ed. Rekishigaku kenkyūkai, Nihonshi kenkyūkai (Tokyo: Tokyo Daigaku Shuppankai, 2005), pp. 133-162; *ibid.*, *Meiji ishin to kinsei mibunsei no kaitai* (Tokyo: Yamakawa Shuppansha, 2005), pp.

status had initially tended to overlap, they became disjointed over time, and the resulting complexities made it increasingly difficult for the shogunal government to keep track of its subjects. When the Shogunate tried to reform the status order in the Bakumatsu era, however, it touched only upon the aspect of registration and classification, and continued to mobilize social groups through status privileges in a way that was similar to what we have observed for Ōno domain.

The impasses of the old order and the innovations of the new have been a topic of continuing interest among historians of nineteenth-century Japan, and for good reason. Yet, even in the Bakumatsu period the abolition of the status order was by no means a foregone conclusion. It will be an important task to further explore the workings of this order in the last decades of shogunal rule, and to draw attention to both its potential and its limitations.